

REMARKS

This Proposed Amendment and Request for Reconsideration is filed in response to the Final Office Action dated October 26, 2005.

Claims 2-8 and 10-30 are pending in this application. The Applicant gratefully acknowledges the Examiner's allowance of Claims 21-23 and the Examiner's indication that Claims 11, 12, 16, and 17 contain allowable subject matter. By this Proposed Amendment, Claims 11 and 16 are amended, leaving Claims 2-8, 10, 12-15, and 17-30 unchanged.

Also, by this Proposed Amendment, Claim 32 is newly added. Claim 32 is ultimately dependent upon Claim 10, and is believed to be allowable based upon Claim 10 and upon other features and elements claimed in Claim 32 (see below). The Applicant respectfully submits that Claim 32 does not present new issues for the Examiner to consider, and that Claim 32 has been added in response to the Examiner's citation, in the Final Office Action, of U.S. Patent No. 5,088,883 issued to Focke et al. ("Focke"), which the Applicant has not yet had an opportunity to address. Claims 2-8, 10-30, and 32 are presented for consideration by way of the present Proposed Amendment and Request for Reconsideration.

On page 2 of the Office Action, Claims 2-8, 10, 13-15, 18-20, and 24-30 are rejected under 35 U.S.C. §102(b) as being anticipated by Focke.

Independent Claim 10 recites (underlining added for emphasis):

A storage device for storing trays, comprising:

a first rotatable member;

a second rotatable member positioned opposite the first rotatable member, the first and second rotatable members adapted to selectively support at least one tray therebetween; and

at least one transfer mechanism including a lifter, the same lifter being movable relative to the tray to both selectively insert and remove the tray between the first and second rotatable members.

Focke does not teach or suggest a transfer mechanism including a lifter, the same lifter being movable relative to a tray to both selectively insert and remove the tray between first and second rotatable members. Rather, Focke discloses an apparatus for lifting packs 11 including a conveyor 12, rotating conveying segments 16, 17 on opposite sides of the conveyor 12, oscillating holding segments 18, 19 coaxially positioned relative to the rotating conveying segments 16, 17, and a discharge conveyor 15 higher than the conveyor 12. During operation of the apparatus, successive packs 11 are moved into a position between the rotating conveying segments 16, 17 by the conveyor 12. The segments 16, 17 are driven in opposite directions, such that curvatures 22 on the segments 16, 17 engage the bottom surface of the pack 11 and lift the pack 11 from the conveyor 12 (see FIG. 2a). As the pack is lifted by the segments 16, 17, the oscillating holding segments 18, 19 move out of the way to allow the segments 16, 17 to lift the pack 11 to a position higher than the oscillating holding segments 18, 19 (see FIGS. 2b and 2c). The oscillating holding segments 18, 19 then move back below the pack 11, while continued rotation of the segments 16, 17 causes the pack 11 to slide down sloped edges 26 of the segments 16, 17 and lower onto the oscillating holding segments 18, 19 (see FIGS. 2c and 2d). Stacks 13 are formed by the segments 16, 17 lifting successive packs 11. A pusher 14 moves the stacks 13 onto the discharge conveyor 15 (see FIG. 1).

With respect to independent Claim 10, on the marked-up cover sheet of Focke provided in the Office Action, the Examiner suggests that the segments 16, 17 are rotatable in both directions to both lift packs 11 from the conveyor 12 and lower packs 11 onto the conveyor 12. The Applicant respectfully submits that the packs 11 cannot be lowered onto the conveyor 12 merely by changing the direction of rotation of the segments 16, 17, as suggested by the Examiner. Particularly, if the direction of rotation of the segments 16, 17 is reversed from that shown in FIGS. 2a-2d, the edges 26 of the segments 16, 17 would bluntly impact the sides of the lower-most pack 11 supported on the oscillating holding segments 18, 19. Focke fails to teach or suggest that the direction of rotation of the segments 16, 17 may be reversed to lift the packs 11 from the oscillating holding segments 18, 19 and lower the packs 11 onto the conveyor 12.

Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of independent Claim 10.

Claims 2-8, 13-15, 18-20, and 24-26 are each ultimately dependent upon independent Claim 10, and are believed to be allowable based upon independent Claim 10 and upon other features and elements claimed in Claims 2-8, 13-15, 18-20, and 24-26 but not discussed herein.

Newly-added Claim 32 recites (underlining added for emphasis):

The storage device of Claim 10, wherein the lifter is movable to both selectively insert and remove a single tray between the first and second rotatable members.

As noted above with respect to independent Claim 10, Focke fails to teach or suggest that the direction of rotation of the segments 16, 17 may be reversed to lift the packs 11 from the oscillating holding segments 18, 19 and lower the packs 11 onto the conveyor 12. Even if the segments 16, 17, by changing their direction of rotation, are capable of lifting the lower-most pack 11 from the oscillating holding segments 18, 19, the entire stack 13 would be lowered with the lower-most pack 11 toward the conveyor 12. Because the segments 16, 17, 18, 19 are not capable of lowering only a single pack 11 onto the conveyor 12, the oscillating holding segments 18, 19 would crush the pack 11 directly above the lower-most pack 11 (now positioned on the conveyor 12) when the oscillating holding segments 18, 19 move back to the position shown in FIG. 2a.

The Applicant respectfully submits that Claim 32 presents allowable subject matter in addition to that in independent Claim 10, and respectfully requests favorable consideration of Claim 32 by the Examiner.

The Applicant has rewritten objected-to Claim 11 in independent form including the limitations of the base claim (Claim 10). As such, newly-independent Claim 11 is allowable.

Claim 12 is dependent upon newly-independent Claim 11, and is believed to be allowable based upon newly-independent Claim 11 and upon other features and elements claimed in Claim 12 but not discussed herein.

The Applicant has also rewritten objected-to Claim 16 in independent form including the limitations of the base claim (Claim 10). As such, newly-independent Claim 16 is allowable.

Claim 17 is dependent upon newly-independent Claim 16, and is believed to be allowable based upon newly-independent Claim 16 and upon other features and elements claimed in Claim 17 but not discussed herein.

Independent Claim 27 recites (underlining added for emphasis):

A method for storing trays, comprising:
transporting a first tray to a transfer position;
lifting the first tray from the transfer position to a storage position;
supporting the first tray in the storage position by two opposed rotatable members; and
lowering the first tray from the storage position to the transfer position.

With respect to independent Claim 27, Focke does not teach or suggest a method for storing trays including lifting a tray from a transfer position to a storage position, supporting the tray in the storage position by two opposed rotatable members, and lowering the tray from the storage position to the transfer position. Rather, Focke discloses successive packs 11 being lifted by the segments 16, 17 and stacks 13 being moved onto the discharge conveyor 15 by the pusher 14. Focke fails to teach or suggest that the segments 16, 17 can lower the stacks 13 at all, much less only a single pack 11 (e.g., “the first tray”), onto the conveyor 12. The Applicant respectfully submits that the arguments presented above with respect to independent Claim 10 and newly-added Claim 32 apply with equal weight to independent Claim 27.

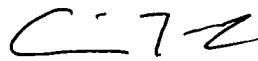
Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of independent Claim 27.

Claims 28-30 are each ultimately dependent upon independent Claim 27, and are believed to be allowable based upon independent Claim 27 and upon other features and elements claimed in Claims 28-30 but not discussed herein.

CONCLUSION

In view of the amendments and remarks presented herein, it is respectfully submitted that the claims as amended are in condition for allowance. The Applicant kindly requests that the Examiner telephone the attorneys of record in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,



Casimir F. Laska
Reg. No. 30,862

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
414.271.6560